

A3
end Dub 24
an interface for receiving at least one control signal forwarded to the
stored-program control via the controller.

Remarks

Claims 1-14 are pending in the application and stand rejected. Favorable reconsideration is respectfully requested.

Claims 7, 12 and 14 were objected to for an alleged informality. However, Applicants respectfully disagree with the Examiner's interpretation of these claims. The language of claims 7, 12 and 14 as presently stated is not informal; but it is broader than the reformulation the Examiner proposes. Claims 7, 12 and 14 have in common that they each include a recitation having the format "at least one of A and B" (where A and B depend on the claim). The format of this recitation corresponds to "A, or B, or A and B," which is not informal. Withdrawal of the objection to claims 7, 12 and 15 is therefore respectfully requested.

Claims 2 and 8 were rejected under 35 USC 112, first paragraph, as containing non-enabled subject matter. As noticed by the Examiner, claims 2 and 8 contained a discrepancy with respect to the specification. In response, Claims 2 and 8 have been amended to correct the discrepancy. Withdrawal of the § 112 rejection is therefore respectfully requested.

Claims 1, 2, 4-8 and 10-14 were rejected under 35 USC 102(e) as being anticipated by Poisner (U.S. Patent No. 6,012,154).

Anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims. *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985). There must be no difference between the claimed invention and the reference disclosure for an anticipation rejection under 35 U.S.C. § 102. *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991). In view of the foregoing authority, it is respectfully submitted that the cited reference fails to support the asserted rejection.

Independent claims 1, 8 and 13 have been amended as set forth above to more clearly define the present invention. The present invention as recited in amended independent claim 1 relates to a safety device for a stored-program control, comprising a controller for exchanging data with the stored-program control, which is external to the safety device. The controller further exchanges data, via a bus system, with a peripheral to be controlled. The device further comprises a memory for storing safety-relevant data of the stored-program control, which data is accessible by the controller.

As recited in independent claim 8, the present invention also relates to a safety device for a stored-program control, comprising a controller for exchanging data with the stored-program control, which is external to the safety device. The controller further exchanges data, via a bus system, with a peripheral to be controlled. The device further comprises a monitor for monitoring a wake-up signal generated by the stored-program control and transmitted to the monitor by the controller.

The present invention as recited in independent claim 13 relates to a safety device for a stored-program control, comprising a controller for exchanging data with the stored-program control, which is external to the safety device. The controller further exchanges data, via a bus system, with a peripheral to be controlled. The device further comprises an interface for receiving at least one control signal forwarded to the stored-program control via the controller.

Poisner does not anticipate the present claimed invention for at least the reason that Poisner does not disclose a safety device comprising a controller that exchanges data with a stored-program control which is external to the safety device. This aspect of the claimed invention is described in the present specification at, for example, the paragraph bridging pages 3 and 4, and shown in Fig. 1 (controller 10 communicates with a stored-program control via a computer system bus 12 external to a card 30, which, according to an embodiment, could house the controller and other components of the safety device). By contrast, in Poisner (applying the Examiner's analysis thereof), the software agent alleged to be the equivalent of the claimed stored-program control is internal to the alleged equivalent of the safety device. More specifically, the Examiner equates the computer system 200 disclosed in Poisner with the claimed safety device,

and the software agent 212 of Poisner with the claimed stored-program control. However, the software agent 212 is resident in storage 210 of the computer system 200, and therefore internal to the computer system 200. This structure clearly does not parallel the structure recited in the present independent claims, and therefore Poisner cannot anticipate the claimed invention. Accordingly, withdrawal of the rejection of independent claims 1, 8 and 13, and dependent claims 2, 4-7, 9-12 and 14, as being anticipated by Poisner is appropriate, and is respectfully requested.

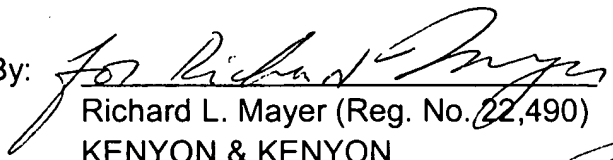
Claims 3 and 9 were rejected under 35 USC 103(a) as unpatentable over Poisner. However, to establish a prima facie case of obviousness under section 103, all claim limitations of a claimed invention must be taught or suggested by the prior art. See MPEP, Section 2143.03 and In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As demonstrated in the foregoing, Poisner fails to suggest all the features recited in independent claims 1 and 8. Claims 3 and 9 depend on claims 1 and 8, respectively, and therefore incorporate the features of parent claims 1 and 8. Therefore, claims 3 and 9 are allowable over Poisner for at least the reasons discussed in connection with claims 1 and 8. Accordingly, withdrawal of the rejection of claims 3 and 9 as unpatentable over Poisner is respectfully requested.


In light of the above discussion, Applicants respectfully submit that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application. The Office is authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: 5/28/02

By:  (by
Richard L. Mayer (Reg. No. 22,490)
KENYON & KENYON
Tel: (212) 425-7200
CUSTOMER NO. 26646
PATENT & TRADEMARK OFFICE


R. No.
36,197)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Kindly amend the claims as follows:

1. (Amended) A safety device for a stored-program control, comprising:
a controller for exchanging data with the stored-program control, the
stored-program control being external to the safety device, and for exchanging data, via
a bus system, with a peripheral to be controlled; and
a monitor for monitoring a wake-up signal generated by the stored-
program control and transmitted to the monitor by the controller.

2. (Amended) The device according to claim 1, further comprising a monitor for
monitoring a wake-up signal generated by the stored-program control and transmitted to
the [stored-program control] monitor by the controller.

8. (Amended) A safety device for a stored-program control, comprising:
a controller for exchanging data with the stored-program control, the
stored-program control being external to the safety device, and for exchanging data, via
a bus system, with a peripheral to be controlled; and
a monitor for monitoring a wake-up signal generated by the stored-
program control and transmitted to the [stored-program control] monitor by the
controller.

13. (Amended) A safety device for a stored-program control, comprising:

a controller for exchanging data with the stored-program control, the
stored-program control being external to the safety device, and for exchanging data, via
a bus system, with a peripheral to be controlled; and

an interface for receiving at least one control signal forwarded to the
stored-program control via the controller.